

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
2 AT CLARKSBURG

3 -----x  
4 UNITED STATES OF AMERICA, :  
5 :  
6 Plaintiff, :  
7 : CRIMINAL ACTION NUMBER:  
8 vs. : 1:24-CR-42  
9 :  
10 STEVEN DAVID SEEGER, :  
11 :  
12 Defendant. :  
13 -----x

9       Proceedings had in the pretrial conference and motions  
10      hearing of the above-styled action on April 14, 2025, before  
      the Honorable Thomas S. Kleeh, Chief District Judge.

## 11 APPEARANCES:

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24 The Defendant was present in person.

25 Proceedings recorded by mechanical stenography.  
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1 ||| Monday, April 14, 2025, 3:20 PM

Ω || — — —

3 THE COURT: Madam Clerk, would you be kind enough to  
4 call our next case, please.

5 THE CLERK: United States of America versus Steven  
6 David Seeger, Criminal Action Number 1:24-CR-42. Mr. Seeger is  
7 present in person.

8 Will counsel please note your appearance.

9 MS. CROCKETT: Kimberley Crockett and Dan Salem on  
10 behalf of the Government.

11 MR. DYER: Your Honor, Tom Dyer and Martin Sheehan on  
12 behalf of the defendant.

13 THE COURT: All right. Good afternoon, counsel. We  
14 convene for final pretrial conference and motions hearing.

15 Let me ask this question as an initial matter. Any  
16 obstacles to proceeding as scheduled for trial next week, the  
17 22<sup>nd</sup>, the Government has identified at this point?

18 MS. CROCKETT: No, Your Honor. The Government is  
19 ready to go.

20 THE COURT: Okay. From defense?

21 || MR. DYER: Same here, Your Honor.

22 THE COURT: All right. I know we have a couple  
23 motions. I assume we could just dive in and go from there?  
24 That work for everybody?

25 MS. CROCKETT: Absolutely.

1                   THE COURT: All right. My understanding was,  
2 Ms. Crockett, the Government was going to call a couple  
3 witnesses. Is that correct, or --

4                   MS. CROCKETT: That is, Your Honor.

5                   THE COURT: All right. Go ahead.

6                   MS. CROCKETT: Can I --

7                   Okay, Your Honor. We're -- I assume we're going to take  
8 up the motion to suppress first, because that could be  
9 dispositive of the *Kennedy* motion.

10                  THE COURT: Yes.

11                  MS. CROCKETT: Okay. Then I would call Keith Lee,  
12 Your Honor.

13                  THE COURT: All right. Good afternoon, sir. Could I  
14 ask you to make your way all the way to the front of the  
15 courtroom? Thank you. When you get here, you're going to  
16 pause with Madam Clerk so she can swear you in. Then we'll ask  
17 you to take the witness stand. Thank you.

18                  (KEITH LEE, GOVERNMENT'S WITNESS, SWORN)

19                  THE CLERK: Thank you. If you'd please have a seat  
20 here in the witness stand.

21                  THE COURT: Thank you, sir. Once you're seated and  
22 comfortable, if you wouldn't mind adjusting that mic just to  
23 make sure everyone can hear you. Thank you.

24                  Ms. Crockett.

25                  MS. CROCKETT: Thank you, Your Honor.

*K. Lee - Direct Examination (Ms. Crockett)*

1

DIRECT EXAMINATION

2 BY MS. CROCKETT:

3 Q. If you can identify yourself for the record?

4 A. My name is Keith Lee, and --

5 Q. And -- oh, go ahead.

6 A. -- I'm retired from the Nacogdoches, Texas, Police  
7 Department.

8 Q. Okay. It looked like you were going to say more and I was  
9 about to cut you off.

10 A. Well, I -- let me state for the record my name is Leighton  
11 Keith Lee.

12 Q. Leighton Keith --

13 A. Yes.

14 Q. -- Lee.

15 A. Yes, ma'am.

16 Q. Okay. Thank you.

17 And how are you employed right now?

18 A. I am retired, happily.

19 Q. You indicated that you worked for the Nacogdoches Police  
20 Department. How long did you work for them?

21 A. I was there 20 years and one month.

22 Q. And did that include the year of 2021?

23 A. It did.

24 Q. Okay. And what rank did you retire as?

25 A. I retired as a corporal.

*K. Lee - Direct Examination (Ms. Crockett)*

1 Q. Okay. In March of 2021, did you come into contact with an  
2 individual --

3 MS. CROCKETT: Before I proceed, Your Honor, just one  
4 preliminary issue.

5 THE COURT: Yes, ma'am.

6 MS. CROCKETT: And we didn't discuss this, and I  
7 should have brought it up before I began questioning.

8 In the indictment in this case, we allege violations of  
9 law against a Jane Doe 1 and a Jane Doe 2.

10 THE COURT: Right.

11 MS. CROCKETT: In all of our pleadings, we try to  
12 reference them still as Jane Doe 1 and 2. I know defense filed  
13 a few pleadings with their names included. For the record  
14 today and for trial, I think we probably should address how the  
15 Court will permit us to refer to them at trial. If we're going  
16 to use, like, initials; if we're going to stick with Jane Doe 1  
17 and 2.

18 THE COURT: Let's go with initials, assuming Jane  
19 Doe 1 and Jane Doe 2 have different and distinguishable  
20 initials.

21 MS. CROCKETT: They do.

22 THE COURT: Okay. All right.

23 MS. CROCKETT: Okay.

24 THE COURT: What are Jane Doe 1's -- if that's  
25 right -- initials here?

*K. Lee - Direct Examination (Ms. Crockett)*

1 MS. CROCKETT: Jane Doe 1 is alleged in Count One and  
2 Two of the indictment.

3 THE COURT: Right.

4 MS. CROCKETT: And her initials are P.G.

5 THE COURT: Okay. And Jane Doe 2?

6 MS. CROCKETT: K.S.

7 THE COURT: And which counts is Jane Doe 2 covered  
8 by?

9 MS. CROCKETT: Three and Four.

10 And Your Honor, Count Five is a general possession count,  
11 and they are both incorporated within Count Five.

12 THE COURT: Okay.

13 MS. CROCKETT: All right.

14 THE COURT: Understood.

15 Mr. Sheehan and Mr. Dyer, you got that straight?

16 MR. SHEEHAN: I'm fine with that, Judge. I do have  
17 an objection I want to make at this time.

18 THE COURT: Yes.

19 MR. SHEEHAN: Your Honor, if the Government is going  
20 to rely on good faith -- and they are certainly entitled to try  
21 and offer that evidence -- a large amount of testimony is  
22 admissible. If they're not allowed to get to good faith, then  
23 evidence will not be admissible.

24 You won't know that until we get further down the road.

25 So I wanted to make sure the objection was clear, and I'll just

*K. Lee - Direct Examination (Ms. Crockett)*

1 leave it at that and assume I've made it across the board for  
2 the case.

3 THE COURT: Yes. Understood.

4 MR. SHEEHAN: And sequestration --

5 THE COURT: Oh, I'm sorry. Go ahead.

6 MR. SHEEHAN: Yeah. And I'd like to sequester any  
7 other witness. I know the FBI agent is going to be here, but  
8 the other witnesses I'd like to sequester during this  
9 testimony.

10 THE COURT: Okay.

11 MS. CROCKETT: The only other witness we have in the  
12 room is Thunder Nicholson with the West Virginia State Police.

13 THE COURT: Okay. Sir, could I ask you to step out  
14 and wait in the hallway for me, please.

15 TROOPER NICHOLSON: Yes, sir.

16 THE COURT: We'll holler at you when we're ready.

17 Thank you so very much.

18 MS. CROCKETT: Thank you, Your Honor.

19 THE COURT: Motion to sequester granted.

20 General continuing -- whatever adjective we want to put on  
21 that -- objection, Mr. Sheehan, noted. We don't have a jury,  
22 obviously. It's an evidentiary hearing. I think it important  
23 the Court to have a full and robust record from which to make  
24 decisions, and our ruling will indicate what evidence is  
25 considered and not based on the appropriate standards. I know

*K. Lee - Direct Examination (Ms. Crockett)*

1 we've got a couple different issues to work through.

2 Go ahead, Ms. Crockett.

3 MR. SHEEHAN: Thank you, sir.

4 MS. CROCKETT: Thank you, Your Honor.

5 BY MS. CROCKETT:

6 Q. Mr. Lee, in March of 2021, did you come in contact with an  
7 individual whose initials were K.S.?

8 A. I did.

9 Q. And how did that come about?

10 A. She came into our police department lobby wanting to lodge  
11 a complaint for improper disclosure of photographs.

12 Q. Okay. And I failed to ask you. What were your duties  
13 with the Nacogdoches Police Department?

14 A. At the time the report was taken, I was the lobby officer.  
15 I'd worked in the station. Any report -- anybody that came in  
16 and needed to speak to a police officer spoke to me.

17 Q. Okay. And did you have any other duties?

18 A. I was -- I was also the sex offender registration officer  
19 for the City of Nacogdoches.

20 Q. Okay. Okay. So you indicated that she came into the  
21 lobby to file a complaint. Do you know when that occurred?

22 A. I believe that was March 22<sup>nd</sup> of 2021.

23 Q. Okay. And what was her initial complaint when she came  
24 in?

25 A. Initially she came in and she told me that she had been in

*K. Lee - Direct Examination (Ms. Crockett)*

1 an online relationship with an older gentleman since she was  
2 14 years old, and he had recently sent some rather what she  
3 considered explicit photographs to her boyfriend and had  
4 threatened to send them to her family and college professors.

5 Q. Okay. And did she describe for you what she meant by  
6 sensitive? I can't remember what the adjective was that you  
7 just used.

8 A. Yeah. She -- she made it seem that it was nude  
9 photographs. I think it was explicit photographs from the  
10 waist up. I do not believe it was full frontal nudity, but I  
11 believe she was nude from the waist up.

12 Q. Okay. And when she came in and made that complaint, did  
13 she indicate whether or not she was a minor at the time the  
14 images were taken or whether she was an adult at the time?

15 A. She told me that they -- that no pictures had been  
16 transmitted while she was a minor; that they had all taken  
17 place after she'd turned 18.

18 Q. Okay. Did you take any action to notify law enforcement  
19 in West Virginia of the complaint that you had taken?

20 A. Not at that point.

21 Q. Okay. What did you do next?

22 A. At that point I -- later in the day I wrote the report,  
23 and then I contacted Mr. Seeger to let him know -- one of the  
24 things she told me in the initial complaint was that he didn't  
25 believe -- he wouldn't stop because he didn't believe there was

*K. Lee - Direct Examination (Ms. Crockett)*

1 anything we could do to him in Nacogdoches, Texas. So I called  
2 him to issue him a warning to stop sending these photographs.  
3 And I told him that in the state of Texas it was a felony  
4 offense and we would get a warrant and we would extradite him.

5 Q. Okay. So after speaking with Mr. Seeger, did you then  
6 notify West Virginia authorities about the complaint?

7 A. I do not believe I ever notified them.

8 Q. Okay. Do you know how West Virginia became aware of the  
9 complaint?

10 A. I do not.

11 Q. Okay.

12 A. I received a phone call from Trooper Nicholson.

13 Q. Okay. You received a phone call from Trooper Nicholson?

14 A. Yes. A few days later.

15 Q. Okay. Do you know what the date was?

16 A. It was before the 29<sup>th</sup>. So it may have been the 25<sup>th</sup>,  
17 22<sup>nd</sup>, 23<sup>rd</sup>. I'm not sure.

18 Q. Okay. And did you discuss with him the complaint that  
19 K.S. made to you when she came into the lobby?

20 A. I did.

21 Q. Okay. What did you report to Trooper Nicholson?

22 A. I explained to him I'd been taking these reports for a  
23 long time and been dealing with the public for a long time and  
24 I did not feel like she was being totally truthful with me that  
25 first day she came in. That's the reason -- in my report, she

*K. Lee - Direct Examination (Ms. Crockett)*

1 told me it all took place after 18. And I asked her again, did  
2 anything happen before the age of 18? Because I had my doubts,  
3 but --

4 Q. Okay. And you jumped right in with your doubts with  
5 Mr. Nicholson? Or did you start by telling him what the nature  
6 of the complaint was?

7 A. I told him what the nature of the complaint was.

8 Q. Okay.

9 A. I don't have any record of what me and Mr. Nicholson spoke  
10 about.

11 Q. Okay.

12 A. I think he reported that.

13 Q. Okay. Do you recall whether or not you provided him any  
14 instances of inconsistencies that she would have shared with  
15 you? Or was this just your intuition?

16 A. It was -- it was more intuition than anything. I do not  
17 remember sharing any inaccuracies with her.

18 Q. Okay. Did you have any further contact with K.S. after  
19 her initial report?

20 A. I did. Approximately a week later, on the 29<sup>th</sup>, she  
21 came back in and reported to me that all this began when she  
22 was 14 years old. And she lied to him initially about her age,  
23 and he'd told her that her punishment for lying was to send him  
24 a fully frontal nude photograph of herself. And she did.

25 Q. Okay.

*K. Lee - Direct Examination (Ms. Crockett)*

1 A. And then over the next -- I think she said until she was  
2 17 they contacted almost daily, spoke almost daily, and he had  
3 her perform explicit sex acts on camera and send them, videos  
4 and stills, to him.

5 Q. When she came back in to report this to you, did you --  
6 were you surprised by her appearance?

7 A. No, ma'am.

8 Q. And why is that?

9 A. Because I fully expec- -- I've never known a  
10 relationship -- online relationship between an older man and a  
11 14-year-old juvenile to be totally platonic for four years and  
12 then, all of a sudden, become graphic and sending nude  
13 photographs back and forth.

14 Q. And that would have been at the time that K.S. turned 18.

15 A. Yes.

16 Q. Okay. So if I understand your testimony, she came in  
17 earlier -- or the 22<sup>nd</sup>, I believe you said --

18 A. Uh-huh.

19 Q. -- of March of 2021.

20 A. Correct.

21 Q. And she made reports about Mr. Seeger providing images of  
22 her to third parties. But she reported to you that those  
23 images were all photos taken of her as an adult.

24 A. Correct.

25 Q. Okay.

*K. Lee - Direct Examination (Ms. Crockett)*

1 A. And I might add: In the second report, she said one of  
2 the reasons she was still sending him pictures is because he  
3 had threatened to expose her to everybody if she did not  
4 continue to send the pictures. And that's the reason these  
5 pictures that she was able to provide to the Nacogdoches Police  
6 Department were recent photographs, since she was 18.

7 Q. Okay. Following her return to your office, did the  
8 Nacogdoches Police Department do anything to advance that  
9 investigation further?

10 A. I am not sure. Once I take their initial report, it is  
11 handed off to detectives. And Detective Ball was working that  
12 case.

13 Q. Okay. So this case was handed off to another --

14 A. Correct. It was.

15 Q. -- officer.

16 A. It was.

17 Q. Okay.

18 MS. CROCKETT: I think that's all I have, Your Honor,  
19 if you could just give me a quick second.

20 THE COURT: Understood.

21 Any cross, counsel?

22 MR. SHEEHAN: Yes, Your Honor.

23 I'm sorry, Your Honor. I've fallen, and I'm in recovery.

24

25

K. Lee - Cross-Examination (Mr. Sheehan)

1

CROSS-EXAMINATION

2 BY MR. SHEEHAN:

3 Q. Did you bring your reports with you today?

4 A. I think the prosecutor has the reports. And I was able to  
5 review the reports from them.

6 Q. Okay. You said that, ultimately, the police department  
7 did obtain some photos of the girl?

8 A. I -- that is my recollection, that they are attached to  
9 that report.

10 Q. And those photos of her are after she would have achieved  
11 the age of 18.

12 A. Yes, sir.

13 Q. Okay. When you reported to Trooper Nicholson your  
14 intuition that she wasn't telling the whole truth, do you  
15 remember anything specific about that?

16 A. I -- I do not other than general cop talk about what I  
17 suspected. Because I told him exactly what I felt like had  
18 probably taken place.

19 Q. Have you had an opportunity to review Trooper Nicholson's  
20 report at any time prior to your testimony today?

21 A. I have not, sir.

22 Q. Okay. Do you recall if you told him if she recanted in  
23 any way?

24 A. I do not remember telling him that.

25 Q. So it's always a terrible question. I'm going to explore

*K. Lee - Cross-Examination (Mr. Sheehan)*

1 your answer a little. Are you saying you didn't say "recant"?

2 Or you don't remember if you said "recant"?

3 A. I do not remember.

4 Q. Okay.

5 A. Like I said, I did not document any of our conversation,  
6 because he was not part of my reporting.

7 Q. Okay. Do you know when the last time was -- so he called  
8 you. You had a conversation.

9 A. Uh-huh.

10 Q. Now, you've put that the 25<sup>th</sup>-ish.

11 A. Yes.

12 Q. Somewhere in there.

13 A. Sometime before the 29<sup>th</sup>.

14 Q. Did you have another conversation with him at any time?

15 A. Not that I remember.

16 Q. So you would not have had any opportunity to update him  
17 and say she came in and she's changed her story to say some of  
18 the pictures were when she was a minor?

19 A. I do not remember ever doing that. Detective Ball, who  
20 was working the case, could have. I can't speak to what he  
21 might have spoken to Mr. Nicholson about.

22 Q. Okay. And you talked originally about nude explicit  
23 photos.

24 I see you nodding yes.

25 A. Oh. Yes, sir.

*K. Lee - Redirect Examination (Ms. Crockett)*

1 Q. Okay. And would those -- did you understand the context  
2 of the explanation of nude explicit photos to be when she was  
3 an adult or when she was a minor?

4 A. The pictures she told me about the first day was as an  
5 adult.

6 Q. Okay. Thank you, sir.

7 THE COURT: Any redirect, counsel?

8 MS. CROCKETT: Just one follow-up, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. CROCKETT:

11 Q. Mr. Lee, in your experience as a law enforcement  
12 officer -- and I probably didn't ask. How long were you a  
13 police officer?

14 A. Twenty years.

15 Q. Okay. In your experience with the Nacogdoches Police  
16 Department for 20 years and your interaction with individuals  
17 alleged to be victims of sexual misconduct, have you had an  
18 experience or is it common for them to supplement a report or  
19 provide additional details over time?

20 A. It is very common.

21 MS. CROCKETT: Okay. That's all I have, Your Honor.

22 THE COURT: Understood.

23 Any recross?

24 MR. SHEEHAN: No redirect, Your Honor.

25 THE COURT: All right.

1 MS. CROCKETT: That's all I have.

2 THE COURT: May this gentleman be excused?

3 MS. CROCKETT: Your Honor, he can be excused as it  
4 relates to this motion. But I think he might be a witness for  
5 Mr. Salem as well. There are some areas I didn't cover with  
6 him.

7 THE COURT: Okay. Sir, you can go ahead and step  
8 down for now.

9 THE WITNESS: Thank you, sir.

10 THE COURT: Thank you for making the trip from Texas.

11 MS. CROCKETT: And I'm sorry, Your Honor.

12 But you've been sequestered. So you'll have to sit down  
13 in the hallway.

14 THE WITNESS: That is fine. That is fine.

15 MS. CROCKETT: Thank you, Your Honor. I'd call  
16 Thunder Nicholson.

17 THE COURT: Okay. If you wouldn't mind hollering --  
18 Sir, if I could trouble you to holler at Mr. Nicholson,  
19 please.

20 THE WITNESS: I will. No problem.

21 THE COURT: Thank you.

22 MS. CROCKETT: Thank you.

23 THE COURT: Thank you, sir.

24 MS. CROCKETT: Your Honor, I didn't --  
25 Oh, go ahead. Sorry.

1                   THE COURT: You can make your way all the way to the  
2 front, sir. Madam Clerk will swear you in. Then you can take  
3 the witness stand.

4                   I'm sorry, Ms. Crockett.

5                   MS. CROCKETT: Oh. I'll wait.

6                   (THUNDER NICHOLSON, GOVERNMENT'S WITNESS, SWORN)

7                   THE CLERK: Thank you. If you'd please have a seat  
8 here in the witness stand.

9                   THE COURT: Yes, Ms. Crockett.

10                  MS. CROCKETT: Your Honor, we didn't discuss this  
11 beforehand. I know that when we filed the motions and we filed  
12 the response, the Court had at its -- for its consideration  
13 many exhibits in this case.

14                  THE COURT: Uh-huh.

15                  MS. CROCKETT: I assume the Court has reviewed the  
16 exhibits, including body cam footage, things that I -- I  
17 don't --

18                  THE COURT: I have not watched the body cam footage.

19                  MS. CROCKETT: Okay.

20                  THE COURT: But we have it.

21                  MS. CROCKETT: Okay.

22                  THE COURT: And we don't need to play it today.

23                  MS. CROCKETT: Well, that was what I was going to ask  
24 the Court. I mean, I -- it's a two-minute segment for Trooper  
25 Nicholson, if that would help the Court.

*T. Nicholson - Direct Examination (Ms. Crockett)*

1                   THE COURT: If it -- if it's helpful and you think  
2 the record of the -- of Trooper Nicholson explaining it, go  
3 ahead.

4                   MS. CROCKETT: Okay. All right. Thank you. I  
5 appreciate that, Your Honor.

6                   THE COURT: Uh-huh.

7                   DIRECT EXAMINATION

8 BY MS. CROCKETT:

9 Q. If you would state your full name for the record.

10 A. Thunder Nicholson.

11 Q. And how you're employed.

12 A. I'm employed with the West Virginia State Police,  
13 currently out of the Grafton detachment.

14 Q. Okay. And before working in the Grafton detachment, were  
15 you assigned to any other areas?

16 A. I was assigned to the Kingwood detachment.

17 Q. Okay. And what is your role with the West Virginia State  
18 Police?

19 A. Investigate violations of West Virginia criminal and  
20 traffic law.

21 Q. Okay. And are you responsible for investigating any  
22 specific type of crimes or just general calls that come into  
23 the office?

24 A. General calls that come to the office.

25 Q. Okay. So you're not also assigned to, like, the Internet

*T. Nicholson - Direct Examination (Ms. Crockett)*

1 Crimes Against Children unit. You just -- you just investigate  
2 general crime.

3 A. Yes, ma'am.

4 Q. Okay. That having been said, even though you're not on  
5 the ICAC unit, do you also investigate allegations of sexual  
6 abuse or sexual misconduct?

7 A. Yes, ma'am.

8 Q. Okay. How big is your department?

9 A. The current department standings I believe is about 500  
10 active troopers.

11 Q. In your detachment.

12 A. My current detachment is three-man strong.

13 Q. Three-man strong.

14 A. In Grafton, yes, ma'am.

15 Q. Okay. And when you were in Preston County, how long --  
16 how large was your department there?

17 A. I believe about eight.

18 Q. Okay. And how long have you been a law enforcement  
19 officer?

20 A. A little over six years at this point, ma'am.

21 Q. Okay. And all of that time, then, has been with the West  
22 Virginia State Police?

23 A. Yes, ma'am.

24 Q. All right. Are you familiar with the defendant in this  
25 case, Steven David Seeger?

*T. Nicholson - Direct Examination (Ms. Crockett)*

1 A. Yes, ma'am.

2 Q. How are you familiar with him?

3 A. I had cause to investigate him in 2021.

4 Q. All right. And in 2021, then, you would have been with  
5 the West Virginia State Police for, like, two years. Two years  
6 and two months, maybe?

7 A. Roughly. Yes, ma'am.

8 Q. How did he come to your attention?

9 A. I received a complaint out of the -- our Fairmont office  
10 from a Professor Jeffrey Roth from Stephen A. -- Stephen F.  
11 Austin University in Texas about one of his students being what  
12 is commonly referred to as "revenge porn" with blackmail.

13 Q. Okay. Did he provide you any specific details?

14 A. He had advised me that he had a student, K.S., that had  
15 been the subject of an email he received from Mr. Seeger  
16 involving inappropriate relationships -- at least what was  
17 perceived as inappropriate relationships in Mr. Seeger's eyes  
18 with older gentlemen and taking money from them.

19 Q. Okay. And did he indicate to you whether or not K.S. was  
20 a minor or an adult at the time of this claim of blackmail or  
21 revenge porn?

22 A. He advised that he was -- she was one of his students and  
23 an adult at that point.

24 Q. Okay. Who provided you with the contact information,  
25 then, for Jeffrey Roth? He did? Or you received that from

*T. Nicholson - Direct Examination (Ms. Crockett)*

1 someone else?

2 A. Mr. Roth had called into the Fairmont detachment.

3 Q. Okay.

4 A. Probably basing it upon one of our colored maps and  
5 presumed that the Fairmont map covered the entirety of the  
6 northern area of West Virginia. And it's --

7 Q. And so the --

8 A. -- disseminated.

9 Q. I'm sorry.

10 So the case was referred to you from the Fairmont --

11 A. From a trooper at the Fairmont office. Yes, ma'am.

12 Q. Okay. And what action did you take to follow up on  
13 Professor Roth's email or call?

14 A. I had requested contact information for K.S. Between that  
15 point and then a couple days later, I had received notification  
16 a Corporal Lee out of Nacogdoches Police Department wanted to  
17 speak to me. And when I returned to work after my days off, I  
18 gave him a call.

19 Q. Okay. All right. When you gave Corporal Lee a call, what  
20 did he report to you?

21 A. He would report to me effectively what I had learned from  
22 Mr. -- or from Dr. Roth about a potential revenge porn thing --  
23 or as West Virginia refers to it, the nonconsensual disclosure  
24 of intimate images -- situation going on with K.S.; that he had  
25 spoken with K.S. and received some details about pictures being

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1 sent to Mr. Roth and I think some family/friends, and something  
2 was mentioned about K.S.'s father as well, and sending some  
3 images.

4 After a brief discussion about it, Corporal Lee had  
5 advised me, in Texas, the same crime is a felony, whereas here  
6 in West Virginia it is just a misdemeanor. Mr. -- or sorry.  
7 Corporal Lee also advised that, based on his experience, he  
8 felt as though there was more to the story than what K.S. was  
9 kind of giving him at first. And I believe he was able to  
10 provide me with some contact information with K.S.

11 Q. Okay. Regarding the "more to the story" you just  
12 referenced, did he provide you any examples of what he meant by  
13 there being more to the story?

14 A. He had just advised with his experience and, like, the  
15 field that he focused on, which was sexual stuff, that after,  
16 like, reading her body language and stuff that maybe she wasn't  
17 being completely honest with maybe when some of the pictures  
18 were sent and when their relationship originally started.

19 Q. Okay. I'll cut right to it. Did he suggest to you that  
20 maybe he thought she had sent pictures to Mr. Seeger when she  
21 was a minor and was not disclosing that?

22 A. Yes, ma'am.

23 Q. Okay. Did he provide you -- after reviewing your complete  
24 narrative and police report, Trooper Nicholson, you reference  
25 K.S. provided him, quote, "mix of information," or there was

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1 reference to recanting.

2 Do you have any examples or can you draw today on what  
3 he -- you would have referenced when you said a mix of  
4 information?

5 A. I believe when Corporal Lee was speaking to me on the  
6 phone that the mix of information came that she would say one  
7 thing to him and then kind of, like, when he would revisit the  
8 question, just in kind of, like, a typical interviewing  
9 scenario, like, her answer would be slightly different or she'd  
10 give, like, a slightly more flustered answer just in terms of,  
11 like, when they started talking and, like, when they stopped  
12 talking and maybe when some of the pictures were sent.

13 Q. Okay. So this is -- the mix of information would have  
14 been relative to her age and when images were sent. Is that  
15 my -- is that your understanding?

16 A. Yes, ma'am.

17 Q. Okay. Was the information that was provided to you by  
18 Corporal Lee included in your PC statement in your affidavit  
19 for complaint for search warrant?

20 A. No, ma'am, it was not.

21 Q. Okay. And who was the source of the information that you  
22 included in your PC statement?

23 A. K.S.

24 Q. Okay. When did you talk with K.S.?

25 A. I believe it was a -- I had spoken to Corporal Lee, I

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1 believe, on a Friday, and I think I finally got ahold of  
2 Kaitlin on a Monday.

3 Q. Okay.

4 A. So the following Monday.

5 Q. Okay. Would that have been on the same date that you got  
6 the search warrant?

7 A. Yes, ma'am.

8 Q. Okay. So would that be March 29<sup>th</sup> of 2021?

9 A. Yes, ma'am.

10 Q. Okay. And what did she tell you when you spoke with her?

11 A. When I spoke to her, K.S. gave me a bit more information  
12 about the relationship that she had with Mr. Seeger. She had  
13 advised me that the relationship had started when she was  
14 approximately 14 years old, but she was not honest with  
15 Mr. Seeger in regards to her age. She did not disclose what  
16 age she had alluded to be to Mr. Seeger to me during this phone  
17 call.

18 She advised me that once she had revealed to Mr. Seeger  
19 what her actual age was, as a form of punishment he had started  
20 requesting sexually explicit photos, that eventually migrated  
21 into videos, and that this relationship had gone on for several  
22 years before kind of it was -- like, it ended, and then it was  
23 kind of kicked back up again a few years later once she was an  
24 adult.

25 Q. Okay. Did she also discuss with you the report that she

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1 had made to Nacogdoches Police Department in Texas?

2 A. She had referenced it a little bit.

3 Q. Okay. After speaking with Professor Roth, K.S., and  
4 Corporal Lee, what did you do? How did you advance the  
5 investigation forward? What decision did you make?

6 A. I ran the investigation by my detachment commander, who is  
7 now retired, Sergeant John Wyatt. He's the one that directed  
8 me in that I should get a search warrant for Mr. Seeger's  
9 residence through circuit court, since it is a court of record.  
10 And he provided me with a template that he had used in the past  
11 for the affidavit and complaint of search warrant.

12 Q. Okay. Was -- had you ever applied for a search warrant in  
13 circuit court before this case?

14 A. No, ma'am.

15 Q. Okay. Had you ever applied for a search warrant in  
16 magistrate court before this case?

17 A. Several times, ma'am.

18 Q. Can you give us an estimate? Roughly, in that two and a  
19 half years, how many search warrants do you think you had  
20 applied for?

21 A. I'd probably say about two dozen.

22 Q. Okay. When you applied for the search warrants before  
23 this in magistrate court, can you tell me what your process  
24 was?

25 A. We had a template that was provided to us by the

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1 Magistrate Court of West Virginia that's on a PDF. So you'd go  
2 in, you'd fill out page 1. Page 2 would auto-populate with  
3 everything that you put on page 1. But we were only required  
4 to sign page 1.

5 So we'd fill it out. If you needed to add stuff on a  
6 continuation sheet, you could, if, like, your narrative and  
7 your desire for probable cause was more long-winded than the  
8 four lines allowed. We would print that out, sign it, take it  
9 to magistrate court.

10 Q. And then once you got to magistrate court, what -- how --  
11 how did you present the search warrant?

12 A. Typically, you take it up to the magistrate window,  
13 whichever magistrate is not busy and/or in the desire to look  
14 at your search warrant at the time. We'll come up. They'll  
15 swear you to it, and they'll read it over. If they think it's  
16 good, they'll sign it and go make you -- like, get the copies  
17 made with one of their secretaries. If they have issues or  
18 questions about it, they'll ask you more questions. And if  
19 it's something that they feel like isn't worth it, then they  
20 won't sign it.

21 Q. Okay. If they review it and they find that you have  
22 probable cause --

23 First of all, do they swear you in before you -- when you  
24 appear in front of a magistrate?

25 A. Yes, ma'am.

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1 Q. Okay. And do they affirm that the information that's  
2 contained within the affidavit is true and accurate?

3 A. Yes, ma'am.

4 Q. Okay. And once they've reviewed it, if there's a  
5 determination of probable cause, do you then sign it? Or do  
6 you sign it before that determination is made?

7 A. It's typically my practice to sign it beforehand. That's  
8 how I was trained, to sign it and then hand it to the judge --

9 Q. Okay.

10 A. -- to let them review it.

11 Q. And if they find probable cause, what does the judge then  
12 do -- or the magistrate?

13 A. They would sign it, then hand it off to one of their  
14 secretaries, and they would make you copies, let you know that  
15 you're good to go.

16 Q. Okay. But in this instance, you deviated from the use of  
17 the magistrate court form; is that right?

18 A. Yes, ma'am.

19 Q. And why did you deviate?

20 A. It was in circuit court, and all the forms automatically  
21 say "Magistrate Court" on top. And I thought whiting that out  
22 would look very bad.

23 Q. Okay. And so I think you told me -- you already testified  
24 to it, but where -- from where did you get the form at?

25 A. My detachment commander at the time.

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1 Q. All right. Is it -- is it fair to say that everything  
2 included in the magistrate court affidavit is also included in  
3 your affidavit for complaint for search warrant?

4 A. Yes, ma'am.

5 Q. Okay. Let's talk about a few sections. Let's start with  
6 how did you determine that you wanted to search -- let me back  
7 up.

8 In your preparation for this search warrant, where did you  
9 identify was the location you wanted to search?

10 A. I ran Mr. Seeger's name through our DMV database and  
11 obtained an address off of his driver's license of 310 Hilltop  
12 Drive, Bruceton Mills, West Virginia.

13 Q. Okay. And why did you decide you wanted to search his  
14 residence as opposed to, like, where he worked?

15 A. Based on the training and limited experience I had at the  
16 time, a lot of times when people have stuff that they don't  
17 want other people to know about or a lot of people would  
18 consider taboo and inappropriate, they're not going to hide it  
19 somewhere where other people could potentially find it. And  
20 then they also like to keep it close on hand. If they have the  
21 urge in the middle of the night, they don't want to have to  
22 drive far to go get it.

23 Q. Okay. And we discussed a little piece of this. But in  
24 your probable cause statement, it was your testimony you didn't  
25 include any of the statements made to you by Corporal Lee.

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1           Can you tell us why you didn't include them?

2   A.   When I spoke to Corporal Lee, it felt like the majority of  
3   his investigation was kind of geared more toward the revenge  
4   porn side of when the -- when K.S. was already an adult.

5           And then, also, while I do trust other officers and not  
6   think that they would provide me with any information that is  
7   incorrect, it's kind of hard to testify to someone else's --  
8   what they tell you when they're so far away. Because if a  
9   judge had an issue with it, then there really wouldn't be a way  
10   to back it up. So I only wanted to use information that I was  
11   given directly from the victim as to keep it as honest as it  
12   could be.

13   Q.   And along that same vein, you also didn't include  
14   statements given to you by Professor Roth.

15           Can you tell the Court why you didn't include those  
16   statements?

17   A.   The majority of what Professor Roth talked to me about was  
18   solely just the -- again, what is commonly referred to as  
19   "revenge porn," which at this point in my investi- -- with what  
20   I had learned from K.S. was not geared toward what I was trying  
21   to get a search warrant for.

22   Q.   Okay. And did you have any concern about that information  
23   provided to Professor Roth was from another party; it wasn't  
24   his information that he knew?

25   A.   That was also a large part of it. It was very third party

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1 in terms of he had heard it -- he was kind of repeating what  
2 someone else had told him. So it kind of loses its credibility  
3 as the telephone game gets worse.

4 Q. Okay. Regarding the statement that you did include, you  
5 included information that was specifically provided to you by  
6 K.S.

7 A. Yes, ma'am.

8 Q. Did you reference at all in that statement whether or not  
9 she had, in the past, provided false information to Mr. Seeger?

10 A. I did, ma'am.

11 Q. Okay. You presented your affidavit and complaint for a  
12 search warrant to Judge Shaffer in Preston County?

13 A. Yes, ma'am.

14 Q. And did he swear you in?

15 A. Yes, ma'am.

16 Q. And did you discuss the affidavit?

17 A. Yes, ma'am.

18 Q. And do you know whether he found probable cause?

19 A. I believed he did, ma'am. He signed the bottom of it, and  
20 he didn't tell me I needed to fix anything.

21 Q. Okay. After he signed it, did he give you any  
22 instructions of what you were to do with it?

23 A. He told me it was good, to take it over to his clerk in  
24 another office across the hall and they would take care of  
25 getting it on record and everything and give me my copies.

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1 Q. And when you left the courthouse on March 29th of 2021,  
2 after swearing out your affidavit, did you believe you had  
3 authorization to search Mr. Seeger's residence?

4 A. Yes, ma'am.

5 Q. Okay.

6 MS. CROCKETT: Your Honor, permission to approach the  
7 witness?

8 THE COURT: You may.

9 MS. CROCKETT: Okay.

10 Marty, I'm just going to show him the --

11 MR. SHEEHAN: Is that the warrant?

12 MS. CROCKETT: Uh-huh.

13 MR. SHEEHAN: Yeah, that's fine.

14 BY MS. CROCKETT:

15 Q. If you could just look at that and tell me if you can  
16 identify it.

17 A. This is the affidavit and complaint that I filled out on  
18 March 29<sup>th</sup>.

19 Q. Okay. And it -- I'm sorry. I've handed you what's been  
20 marked as Government's Exhibit --

21 A. One.

22 Q. -- 1. And you've identified it as the affidavit for  
23 complaint for search warrant?

24 A. Yes, ma'am.

25 Q. How do you know what that is?

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1 A. It's on top, in bold, "Affidavit and Complaint for Search  
2 Warrant."

3 Q. Is that the only way you recognize it, or is there another  
4 way?

5 A. I was the one that filled this out, ma'am.

6 Q. Okay. And is that your signature that appears on the  
7 second page?

8 A. Yes, ma'am, it is.

9 Q. Okay. And there are two signatures on that affidavit; is  
10 that right?

11 A. Yes, ma'am.

12 Q. Who is the second signature? Whose signature is the  
13 second signature?

14 A. To me, that's Judge Shaffer's signature.

15 Q. Okay. And did he sign that in your presence?

16 A. Yes, ma'am.

17 Q. Okay. And did you sign it in his presence?

18 A. I cannot recall whether I signed it in his presence or  
19 before I got to his office.

20 Q. Okay. Did he swear you in?

21 A. Yes, ma'am.

22 Q. And did you affirm for him that the information contained  
23 on the affidavit for complaint for search warrant was true and  
24 accurate?

25 A. Yes, ma'am.

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1 Q. Okay. And I think you testified already that that's his  
2 signature appearing on there.

3 MS. CROCKETT: I'd move Government's 1, Your Honor.

4 THE COURT: Any objection to the Court receiving 1  
5 for today's purposes?

6 MR. DYER: No, sir.

7 THE COURT: All right. Without objection, 1 will be  
8 received into today's record.

9 MS. CROCKETT: Thank you, Your Honor.

10 (Government's Exhibit 1 received in evidence.)

11 BY MS. CROCKETT:

12 Q. Okay. And so when you also left on March 29<sup>th</sup> of 2021,  
13 that day, after you received the affidavit and complaint for  
14 search warrant, did you believe that you had both an affidavit  
15 for search warrant and a search warrant?

16 A. Yes, ma'am.

17 Q. Okay. I asked you if you believed you were authorized to  
18 search. And you believed, in fact, that you were authorized to  
19 search his residence.

20 A. Yes, ma'am.

21 Q. Okay. When the United States Attorney's Office reached  
22 out to you after the filing of the motion to suppress, did you  
23 believe that Judge Shaffer issued you a search warrant on  
24 March 29<sup>th</sup> of 2021?

25 A. Yes, ma'am.

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1 Q. And when we met on Friday, April 11<sup>th</sup>, after you had an  
2 opportunity to look at the documents in question, what was your  
3 recollection about the search warrant?

4 A. The page titled "Search Warrant" wasn't present, and I  
5 kind of proceeded to have a tad bit of a panic attack about  
6 whether or not I messed it up or I lost it between somewhere.

7 Q. And did you reach out to, like, your agency to see if you  
8 could locate it?

9 A. I contacted the secretary of Kingwood to try to see if she  
10 had some copy of it, to which I was advised that everything had  
11 been either redacted and/or abolished because of an order that  
12 was given by the court.

13 Q. Is that the order for expungement?

14 A. Yes, ma'am.

15 Q. Okay.

16 A. They tried to find it. I was going to search my computer,  
17 my department-issued laptop, but then I recalled that I've  
18 received a new hard drive since then, as well as if I don't  
19 purge older stuff off my computer it won't work anymore because  
20 it gets too full.

21 And so I -- I had someone search my current desk at my  
22 office to try to see if it was in a stack of papers that maybe  
23 somehow I carried over from Kingwood, with no avail at that  
24 either. And it's just kind of continued to bother me for quite  
25 some time on whether or not -- if it was a mistake of mine or

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1 not.

2 Q. Okay. You -- so is it fair to say today you don't have  
3 any specific recollection of having a search warrant or having  
4 any other documents other than what has been provided to the  
5 parties in this case?

6 A. I do not.

7 Q. Okay. Moving back to your investigation. After you  
8 received the documents from the clerk -- I think you said you  
9 received a packet from the clerk. Is that right?

10 A. Yes, ma'am.

11 Q. Does she provide you that packet in triplicate?

12 A. Yes, ma'am. It's triplicate, and then each set is stapled  
13 when they give it to you.

14 Q. Okay. What did you do next with the documents after they  
15 were provided to you?

16 A. Held onto them for a couple hours until one of the  
17 afternoon/evening shift troopers came out to assist me in a --  
18 with the search.

19 Q. Okay. And so you executed a search at his residence on  
20 that same day, March 29<sup>th</sup> of 2021?

21 A. Yes, ma'am.

22 Q. Okay. Sitting here today, do you still believe that you  
23 were authorized to search Mr. Seeger's residence?

24 A. I do, ma'am.

25 Q. When did you execute -- or I'm sorry. Was anyone with you

*T. Nicholson - Direct Examination (Ms. Crockett)*

1 when you executed the search warrant?

2 A. Trooper Morris was also present.

3 Q. Okay. And did he start the search with you? Or did  
4 you-all wait and do that together? Tell us what happened.

5 A. When we arrived at the residence, we made contact with  
6 Mr. Seeger. And we kind of stayed out in his front yard for a  
7 little bit. I Mirandized Mr. Seeger, proceeded to ask him some  
8 questions in relation to kind of slowly getting to why we were  
9 there and K.S.

10 During this time, Trooper Morris was with me. He was just  
11 kind of standing a little bit back behind me, outside of view  
12 of my body camera.

13 Q. And --

14 A. Sorry.

15 Q. And was Mr. Seeger under arrest at the time you spoke with  
16 him?

17 A. No, ma'am.

18 Q. And did he -- was he placed under arrest at any time  
19 during your encounter with him on the 29<sup>th</sup>?

20 A. No, ma'am.

21 Q. Okay. And do you see Mr. Seeger in the courtroom today?

22 A. I do, ma'am.

23 Q. If you could identify him.

24 A. The gentleman on the other side of that box from where I'm  
25 sitting.

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1 THE COURT: What's he wearing, trooper?

2 THE WITNESS: He's wearing orange. Brown hair,  
3 comb-over.

4 THE COURT: Understood. The record will reflect the  
5 trooper has identified the defendant.

6 MS. CROCKETT: Thank you.

7 BY MS. CROCKETT:

8 Q. You've referenced that the search occurred at 310 Hilltop  
9 Drive. And where is that near?

10 A. Bruceton Mills.

11 Q. And is that within the Northern District of West Virginia?

12 A. Yes, ma'am.

13 Q. Okay. As part of your duties as a police officer, I think  
14 you referenced you were -- you wear or were wearing on that  
15 date a body-worn camera.

16 A. Yes, ma'am.

17 Q. Okay. Where do you wear it?

18 A. Ours is mounted under -- like, inside of our  
19 department-issued shirts, in front of our vest in, like, a  
20 special mount that the company provides.

21 Q. And does it record all your interactions, or do you  
22 control when it's activated and when it's turned off?

23 A. We have policy that dictates when it must be on. We do  
24 have a little, like, watch-looking remote control to help us  
25 control and turn it on and turn it off when we're done dealing

*T. Nicholson - Direct Examination (Ms. Crockett)*

1 with incidents.

2 Q. Okay. And so you -- did you activate your body-worn  
3 camera on the day that you spoke with Mr. Seeger?

4 A. Yes, ma'am.

5 Q. Okay. How is that video collected and maintained?

6 A. It goes from the body camera itself, which is effectively  
7 a smart phone that's been revamped with software to limit its  
8 functionality, then it goes to what's called a Rocket IT, which  
9 is mounted inside of our department-issued cruisers, which is  
10 then sent through a secure mobile connection to secure servers  
11 that are maintained by a company called Utility. And then we  
12 have access to watch it and review it on a software. I think  
13 they call it Polaris now, if I recall correctly.

14 Q. Okay. And after speaking with Mr. Seeger, you learned  
15 that he actually had some experience with computers; is that  
16 fair to say?

17 A. Yes, ma'am.

18 Q. Okay. Let me back up. Regarding the body-worn camera,  
19 are you able to alter it or modify it in any way? The video  
20 footage.

21 A. We can change the watermark that's on the video. In some  
22 situations, if we record video but we only need the audio --  
23 which is typically only, like, a HIPAA situation, like if we  
24 record inside of a hospital -- we can strip the audio from the  
25 video and just have audio.

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1        We are able to maybe dock a couple minutes off the front  
2 or the end of a video, but it's documented and recorded inside  
3 the Utility-owned, like, software, and it's heavily monitored  
4 as to why we would be taking off time.

5 Q.    Okay. And you've had an opportunity to review your  
6 body-worn camera -- or footage before testifying today?

7 A.    Yes, ma'am.

8 Q.    And so "Nicholson" that appears across the screen when the  
9 video footage starts, is that footage -- is that name something  
10 that you would have added to it?

11 A.    Yes, ma'am. It's typically our full email address, which  
12 includes my first name, to which I avoid putting on stuff due  
13 to questions. So I change it to just say "Trooper Nicholson."

14 Q.    All right. And in your review of the body-worn camera  
15 footage, at any point during your interaction with Mr. Seeger  
16 did you advise him that you had a warrant to search?

17 A.    I did, ma'am.

18 Q.    And in fact, did you advise him you had a warrant that was  
19 signed by a judge?

20 A.    Yes, ma'am.

21 Q.    Okay. And when you spoke to him that day and advised him  
22 as such, did you believe, in fact, you had a warrant in your  
23 possession?

24 A.    Yes, ma'am.

25 Q.    Okay. So Mr. Seeger advised you that he worked with

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1 computers. And did he express to you any concerns about your  
2 seizing any computers at the time of the search?

3 A. He advised it would hamper his employment, to which,  
4 honestly, I replied roughly that I did not care, as to the  
5 purpose of the search warrant is to seize what is listed, not  
6 to worry about too much of someone's personal ramifications of  
7 taking their items.

8 Q. Is it fair to say that even though you might have felt  
9 that way, you did express care, because you did end up leaving  
10 his work computer in his possession?

11 A. Yes, ma'am, I did.

12 Q. Okay. Is Government's 1 still in front of you?

13 A. Yes, ma'am, it is.

14 Q. If you could read to us what evidence you were there to  
15 seize.

16 A. It states "all electronic storage devices, to include, but  
17 not limited to, cellular phones, laptop computers, standalone  
18 computers, memory cards, floppy discs, compact discs, smart  
19 televisions, smart photograph frames, et cetera; all printed  
20 photographs depicting nude juveniles; and all other evidence of  
21 the crime of distribution and exhibiting the material depicting  
22 minors engaged in sexually explicit conduct."

23 Q. Okay. So you were authorized -- you believed you were  
24 authorized to seize anything that fell into that category. Is  
25 that fair to say?

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1 A. Yes, ma'am.

2 Q. Okay. But from review of the body-worn camera, I mean, we  
3 can tell that there are some things that you chose -- you left  
4 behind, you chose to leave behind; is that right?

5 A. Yes, ma'am.

6 Q. Okay. You reviewed -- or you searched with Trooper Morris  
7 the upstairs of the residence; is that right?

8 A. Yes, ma'am.

9 Q. And I think one bedroom. Is that accurate?

10 A. Yes, ma'am.

11 Q. Okay. Did you search anywhere on the main floor of the  
12 residence?

13 A. No, ma'am.

14 Q. Did you search his garage or shed?

15 A. No, ma'am.

16 Q. And did you take all the electronic devices that you  
17 located?

18 A. No, ma'am.

19 Q. Did you -- did you even locate any nude photographs?

20 A. No physically printed-out ones, no, ma'am.

21 Q. Okay. Of child pornography, I should say.

22 A. No, ma'am.

23 Q. Okay. And your search lasted roughly about 45 minutes.

24 A. Yes, ma'am.

25 Q. Okay. All right.

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1 MR. SHEEHAN: The property receipt? Yeah, that's  
2 fine.

3 MS. CROCKETT: Your Honor, may I approach again?

4 THE COURT: You may.

5 MS. CROCKETT: Thank you.

6 BY MS. CROCKETT:

7 Q. If you could just -- I'm handing you what's been marked as  
8 Government's Exhibit 5?

9 A. Yes, ma'am.

10 Q. If you could identify it.

11 A. This is the property receipt that I filled out on  
12 March 29<sup>th</sup> after searching Mr. Seeger's residence.

13 Q. Okay. And does that -- does that include a list of six  
14 items seized from Mr. Seeger?

15 A. Yes, ma'am.

16 Q. And among those six items is there a black LG Nexus  
17 00704D139354EFDC?

18 A. Yes, ma'am.

19 Q. And is there also a silver MacBook with a serial number --  
20 a silver Apple MacBook W86450CGW0M?

21 A. Honestly, the serial number is not on this. It says  
22 "silver Apple MacBook" with a model number. I don't think I  
23 was able to locate the serial number at the time.

24 Q. Okay. All right. I have dyslexia. I wish I had realized  
25 that, because I struggled there trying to get through those

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1 numbers.

2 Did you have Mr. Seeger confirm your seizure of those  
3 items?

4 A. Yes, ma'am.

5 Q. And how does he do that?

6 A. He signed the bottom of it, under the -- above the "Person  
7 from whose premises the property was taken" line.

8 Q. Okay. And so Mr. Seeger's signature appears at the  
9 bottom?

10 A. It's a squiggle, but he's the one that signed it, ma'am.

11 Q. Okay. And your signature appears beside it?

12 A. Above it. Yes, ma'am.

13 Q. Above it?

14 MS. CROCKETT: Your Honor, I'd move Government's 5.

15 THE COURT: Any objection to 5?

16 MR. DYER: No objection.

17 THE COURT: Without objection, it will be received  
18 for today's purposes.

19 (Government's Exhibit 5 received in evidence.)

20 MS. CROCKETT: Permission to approach again?

21 THE COURT: You may.

22 BY MS. CROCKETT:

23 Q. I'm handing you what's marked as Government's Exhibit 6.  
24 Can you identify that?

25 A. This is West Virginia State Police Form 114, the evidence

*T. Nicholson - Direct Examination (Ms. Crockett)*

1 room receipt.

2 Q. Okay. And after your search of Mr. Seeger's property that  
3 evening, where do you take the evidence?

4 A. It's taken back to the detachment of which the county that  
5 you executed the search warrant. In this case it was the  
6 Kingwood detachment of the West Virginia State Police.

7 Q. Okay. And when did you take it back?

8 A. Immediately following leaving Mr. Seeger's residence.

9 Q. So on March 29<sup>th</sup> of 2021?

10 A. Yes, ma'am.

11 Q. Okay. And does anyone confirm receipt of those items once  
12 you log them into evidence?

13 A. The evidence custodian, who at this time was also the  
14 detachment commander, is the -- receives them and places them  
15 in a secured room after he removes them from the temporary  
16 storage.

17 MS. CROCKETT: Okay. Your Honor, I'd move  
18 Government's 6.

19 THE COURT: Any objection?

20 MR. DYER: No, sir.

21 THE COURT: Without objection, received for today's  
22 purposes.

23 (Government's Exhibit 6 received in evidence.)

24 MS. CROCKETT: Number 7. Government's 7.

25 Your Honor, permission to approach?

*T. Nicholson - Direct Examination (Ms. Crockett)*

1 THE COURT: You may.

2 BY MS. CROCKETT:

3 Q. I'm showing you what's marked as Government's 7. Can you  
4 identify that?

5 A. This is a search warrant through magistrate court that I  
6 completed to obtain the digital contents of the physical items  
7 I seized.

8 Q. Okay. And that search warrant, you applied for that on  
9 April 19<sup>th</sup> of 2021?

10 A. Yes, ma'am.

11 Q. And how many pages is it?

12 A. Three pages, ma'am.

13 Q. Okay. And is -- is -- did I hand you just the search  
14 warrant? What -- tell -- if you could tell us exactly what I  
15 handed you.

16 A. It's a copy of the search warrant, the property receipt,  
17 and the search warrant continuation page.

18 Q. Okay. And what is on page 2, then?

19 A. The page labeled 2 on this is for search warrants.

20 Q. I'm -- the -- what is your second page that I've handed  
21 you?

22 A. It is the property receipt.

23 Q. And if you could note what you have listed as the  
24 property.

25 A. "Digital data."

*T. Nicholson - Direct Examination (Ms. Crockett)*

1 Q. Okay. And on your continuation sheet, do you continue to  
2 reference the items that were seized at Mr. Seeger's residence  
3 on March 29<sup>th</sup> of 2021?

4 A. Yes, ma'am.

5 Q. Okay.

6 MS. CROCKETT: I'd move Government's 7.

7 THE COURT: Any objection?

8 MR. DYER: What is it?

9 MR. SHEEHAN: It's the April search warrant.

10 MR. DYER: Okay. No objection.

11 THE COURT: Without objection, so received.

12 (Government's Exhibit 7 received in evidence.)

13 BY MS. CROCKETT:

14 Q. After you logged in the evidence, after you applied for  
15 the secondary warrant to look inside the devices, what did you  
16 do with the evidence?

17 A. The evidence was retrieved out of the secure evidence room  
18 of the Kingwood detachment, provided to me, and then I took it  
19 straight to the West Virginia State Police Digital Forensics  
20 Unit in Morgantown.

21 Q. Okay. So looking at the search warrant -- the secondary  
22 search warrant from April, you executed that in Preston County?

23 A. Yes, ma'am.

24 Q. Okay. And where is your evidence room located where  
25 Mr. Seeger's items were taken after seizure?

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1 A. It would have been the Kingwood State Police detachment --

2 Q. Okay. And that is --

3 A. -- in Preston County.

4 Q. I'm sorry?

5 A. In Preston County.

6 Q. Okay. And if I understand your testimony, then, after you  
7 had the search warrant issued, you then drove the evidence to  
8 Morgantown?

9 A. Yes, ma'am.

10 Q. Okay.

11 MS. CROCKETT: Your Honor, permission to approach?

12 THE COURT: You may.

13 BY MS. CROCKETT:

14 Q. I'm showing you what's marked as Government's 8. Can you  
15 identify this?

16 A. This is West Virginia State Police Form 53, the forensics  
17 laboratory case submission form.

18 Q. Okay. And so is what you just testified to, is this you  
19 dropping off the evidence at the digital forensics lab in  
20 Morgantown?

21 A. Yes, ma'am.

22 Q. And how do you acknowledge that the materials have been  
23 dropped off at the lab? How is that memorialized on the form?

24 A. At the bottom of the form it's signed by whichever lab  
25 custodian takes possession. In this case, it was Mr. Roony.

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1 And then he provided it with a laboratory case number, and then  
2 I signed it.

3 Q. Okay. And what's the date that you dropped it off in  
4 Morgantown?

5 A. April 26<sup>th</sup>, 2021.

6 Q. Okay.

7 MS. CROCKETT: Permission to approach, Your Honor?

8 THE COURT: You may.

9 BY MS. CROCKETT:

10 Q. I'm showing you now what's marked as Government's 9. Can  
11 you identify that?

12 A. This is another copy -- or kind of a future copy of the  
13 West Virginia State Police Form 53, Forensics Laboratory Case  
14 Submission Form.

15 Q. Okay. And what's different about this form as opposed to  
16 the previous exhibit?

17 A. This one documents that the items were returned to me in  
18 person on June 21<sup>st</sup> of 2021. It's signed by myself and  
19 Mr. Roony.

20 Q. Okay. So the evidence remained in Mr. Roony's possession  
21 until you went back and retrieved them?

22 A. Yes, ma'am.

23 Q. Okay. And so what did you pick up from Mr. Roony when you  
24 retrieved the devices?

25 A. All six devices that I dropped off, as well as a CD that

*T. Nicholson - Direct Examination (Ms. Crockett)*

1 had the forensic download on it.

2 Q. Okay. And that's the extraction of the LG Nexus and the  
3 silver MacBook?

4 A. Yes, ma'am.

5 MS. CROCKETT: I'd move Government's 9, Your Honor.

6 THE COURT: Any objection to 9?

7 MR. DYER: No, sir.

8 THE COURT: Without objection, so received for  
9 today's purposes.

10 (Government's Exhibit 9 received in evidence.)

11 BY MS. CROCKETT:

12 Q. Based upon your reports, there were contraband images and  
13 videos of child pornography and evidence of enticement and  
14 production of child pornography and solicitation within those  
15 extractions?

16 A. Yes, ma'am.

17 Q. And the State of West Virginia indicted Mr. Seeger as a  
18 result of those extractions?

19 A. Yes, ma'am.

20 Q. Ultimately, that matter in state court was dismissed; is  
21 that right?

22 A. Yes, ma'am.

23 Q. Do you know why the matter was dismissed?

24 A. I was advised by the Assistant Prosecuting Attorney of  
25 Preston County, Ms. Megan Fields, it was due to an issue of

*T. Nicholson - Direct Examination (Ms. Crockett)*

1 jurisdiction given that Mr. Seeger was living in Marion County  
2 at the time of some of the counts. And she just thought it  
3 would conflict a little too much with trying to have multiple  
4 counties involved towards the same goal and wished to attempt  
5 to move it into the federal system.

6 Q. Was there any concern raised with you that there was an  
7 issue with regard to the search warrant or suppression in state  
8 court?

9 A. Never, ma'am.

10 Q. Okay. When you retrieved the evidence from Mr. Rooney from  
11 the digital forensic lab, where did you take the evidence?

12 A. It returned to the state police detachment in Kingwood.

13 Q. Okay. And did it remain there until it was picked up by  
14 the FBI as part of the federal investigation?

15 A. Yes, ma'am.

16 Q. Okay. Trooper Nicholson, you had an opportunity -- we  
17 talked about this. You had an opportunity to review your  
18 body-worn camera footage?

19 A. Yes, ma'am.

20 Q. Okay. And we have it marked as Government's Exhibit 4; is  
21 that right?

22 A. Yes, ma'am.

23 MS. CROCKETT: And Your Honor, I know we've provided  
24 it to the Court. Does the Court want me to provide it again?

25 THE COURT: Sure.

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1 MS. CROCKETT: I'm happy to. Okay. All right. I'd  
2 move Government's 4.

3 THE COURT: Any objection to the body cam footage?

4 MR. SHEEHAN: Is it a CD or the audio?

5 MS. CROCKETT: It's a thumb drive.

6 MR. SHEEHAN: Thumb drive? Of the body cam?

7 MS. CROCKETT: Of the body cam footage.

8 MR. SHEEHAN: No objection.

9 MS. CROCKETT: All right.

10 THE COURT: Without objection, we'll receive  
11 Number 4.

12 (Government's Exhibit 4 received in evidence.)

13 MS. CROCKETT: All right. And all of the exhibits  
14 are with you; is that right, Mr. Nicholson? All the other  
15 exhibits?

16 THE WITNESS: Yes, ma'am.

17 MS. CROCKETT: All right. Let's provide those to the  
18 clerk.

19 THE CLERK: Thank you.

20 MS. CROCKETT: That's all I have. If you would just  
21 give me one second, Your Honor.

22 Okay. That's all I have.

23 THE COURT: Any cross?

24 MR. DYER: Yes, sir.

25 THE COURT: I assume there's a motion to admit

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 Government's 8?

2 MS. CROCKETT: Yes, Your Honor. My apologies.

3 THE COURT: Any objection to 8?

4 MR. SHEEHAN: No, sir.

5 MR. DYER: Was that the body cam footage?

6 THE COURT: No.

7 MS. CROCKETT: That's 3.

8 MS. WALTERS: That's 4.

9 THE COURT: Four.

10 MS. CROCKETT: Four. That's right. That's 4.

11 MR. DYER: What was 8?

12 THE CLERK: Eight was the forensic lab form.

13 THE COURT: Can you tell Mr. Dyer what that is? I'm  
14 sorry.

15 MR. DYER: Oh. No objection.

16 THE COURT: All right. Without objection, it's also  
17 received.

18 (Government's Exhibit 8 received in evidence.)

19 MS. CROCKETT: Thank you, Your Honor.

20 THE COURT: Go ahead, Mr. Dyer.

21 MR. DYER: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. DYER:

24 Q. Trooper, you recall speaking with me on the phone -- I  
25 don't know. It's been a month, six weeks ago, roughly. You

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1 tell me if you remember.

2 A. I'm not sure to the -- it hasn't been that long, sir.

3 I've only been in a boot for about a month.

4 Q. Had you spoken with anybody prior to having that  
5 conversation with me about this search warrant issue? Finding  
6 a search warrant?

7 A. No, sir.

8 Q. Okay. So I called you. It seemed to me like that was a  
9 matter of first impression for you.

10 The document that has been admitted and called the  
11 affidavit, that is not a warrant; correct? I mean, that's not  
12 your idea of a warrant.

13 A. It is not, sir.

14 Q. All right. And to your knowledge there is -- there exists  
15 no evidence -- again, to your knowledge -- that there ever was  
16 a warrant that was issued.

17 A. To my knowledge, no, sir. I can't say that there was.

18 Q. Okay. And have you looked at the body cam footage that  
19 was produced?

20 A. Yes, sir, I reviewed by body camera footage.

21 Q. You can actually see the document that's in your hand --

22 A. Yes, sir.

23 Q. -- in that footage. And that is the document that we've  
24 admitted here today as the affidavit and complaint for search  
25 warrant.

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1 A. Yes, sir.

2 Q. Correct?

3 A. Yes, sir.

4 Q. All right. Do you have that in front of you?

5 A. I turned it all over to the clerk already, sir.

6 Q. Okay. Let me -- I hate to jump around so much on you.

7 But do you have any memory at all of the conversation that you  
8 had with Judge Shaffer?

9 A. Not to any specifics, sir, no.

10 Q. Okay. Why is it -- when you -- when you decide you're  
11 going to go get a search warrant, you say that -- in response  
12 to the Government's questioning why you went to Judge Shaffer,  
13 you had never done that before, had you?

14 A. I had not, sir.

15 Q. You --

16 Okay. And I asked you this when we were speaking on the  
17 phone. You said you went there because it was a court of  
18 record.

19 A. That's how it was referred to me by my detachment  
20 commander.

21 Q. And that was sergeant who?

22 A. Sergeant Wyatt.

23 Q. Wyatt?

24 A. Yes, sir.

25 Q. W-Y-A-T-T?

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 A. Yes, sir.

2 Q. Okay. And when you went and told him about this  
3 investigation, he suggested to you to use a template, a form  
4 that he provided to you.

5 A. Yes, sir.

6 Q. Prepare it so it was suitable for the facts of this case.

7 A. Yes, sir.

8 Q. And take it to Judge Shaffer, a circuit judge.

9 A. Yes, sir.

10 Q. And did he -- was it his words that -- to do that because  
11 that's a court of record?

12 A. Yes, sir.

13 Q. Okay. The -- you had used these preprinted forms  
14 previously, that you took to magistrate court.

15 A. The com- -- yes, sir.

16 Q. Okay. You -- I believe you had responded you had sought  
17 warrants dozens of times in your 24-26 months as a trooper.

18 Yes?

19 A. Yes, sir.

20 Q. Okay. And these forms were available to you at the time  
21 that you prepared this form from the template that Sergeant  
22 Wyatt gave to you to prepare. These other forms were available  
23 to you. Yes?

24 A. Yes, sir.

25 Q. Okay. Did you ask him why you wouldn't be using those

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 forms?

2 A. I did not, sir. He just said that he had a template and  
3 he would provide it to me.

4 Q. Okay. But, I mean, you went to him for a reason. Did he  
5 instruct you to not use the forms?

6 A. He did not, sir. The forms already come saying  
7 "Magistrate."

8 Q. Right.

9 A. And being it's an Adobe file, it cannot be altered to say  
10 "Circuit Court" where it says, like, "Magistrate Court" in the  
11 middle of the paragraphs. So there's no way to make the forms  
12 for circuit court, the ones that we have. I don't pay for  
13 Adobe Pro to alter those.

14 Q. But I guess my question is why didn't you just  
15 automatically assume you could take an application or  
16 complaint, an affidavit in support for an application for a  
17 search warrant, to the magistrate, as you always had done  
18 before?

19 A. I was going by the recommendation of my detachment  
20 commander who had far more years of law enforcement experience  
21 than I did.

22 Q. Okay. So he kind of interceded and said, "Use this."

23 A. Roughly. Yes, sir.

24 Q. And to your knowledge, was there any other documents  
25 provided to you by Sergeant Wyatt other than the document that

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 we've referred to here today thus far?

2 A. That was the only document I received, sir.

3 Q. Okay. So when you meet with Judge Shaffer in his office,  
4 he swears you in.

5 A. Yes, sir.

6 Q. And you have a discussion about this affidavit and  
7 complaint for search warrant. Does he inquire of you, "Where  
8 is the warrant?" Do you remember?

9 A. I cannot recall if that was a question that was asked at  
10 the time, sir.

11 Q. Okay. I mean, you -- were you making an assumption or  
12 presumption that his office was going to provide an additional  
13 document called a warrant?

14 A. That's what I believe would happen, sir, yes.

15 Q. Okay. So did you -- if you anticipated that, did you go  
16 seek that document out from Judge Shaffer or his clerk or  
17 anyone else at the courthouse?

18 A. He had -- after he had signed it, he'd told me to take it  
19 over to the clerk's office is what I did. And then I received  
20 stapled papers back, sir. I believed that everything was there  
21 that I needed.

22 Q. You took this document, this affidavit and complaint, to  
23 the -- his law clerk? His --

24 A. The --

25 Q. The circuit clerk? Or do you know?

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 A. I believe it's the circuit clerk, sir.

2 Q. Ms. Leishman?

3 A. If that's who it was at the time, sir. I'm not --

4 Q. You don't -- okay.

5 A. -- familiar with the names at the time.

6 Q. Somebody in the circuit clerk's office.

7 A. Yes, sir.

8 Q. Did you wait around for this document to be handed back to  
9 you?

10 A. Yes, sir, from my recollection.

11 Q. Okay. And then you took the document that was returned to  
12 you --

13 A. Yes, sir.

14 Q. -- and went to the Seeger residence with that document.

15 A. Yes, sir.

16 Q. Okay. Do you have any prior experience -- before your  
17 involvement in this case, did you have any prior experience in  
18 investigating any child porn cases?

19 A. I cannot recall if I have, sir, but I feel as though I  
20 would have.

21 Q. Okay. Any, I mean, revenge porn? Anything of that nature  
22 that you recall?

23 A. I cannot recall working any other revenge porn cases, no,  
24 sir.

25 Q. Okay. The -- this affidavit, you say that you did not

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 include Corporal Lee's remarks or comments to you because it  
2 was a third party making those statements to you and you  
3 wouldn't be able to explain or support any other -- any of  
4 those kind of remarks to the judge in your discussions with him  
5 about the affidavit?

6 A. In terms of what Corporal Lee advised me, yes. In terms  
7 of if the judge had more questions about what was spoken to  
8 Corporal Lee, I couldn't really testify to that.

9 Q. Okay. I mean, he is in a better -- did he explain to you  
10 that -- I thought your testimony was that he was able to assess  
11 the body language of this young lady, K.S., in arriving at the  
12 conclusion that she was being somewhat less than truthful,  
13 something other than completely truthful. Yes?

14 A. Yes, sir.

15 Q. So, I mean, I -- did that not lead you to conclude he's  
16 actually in a better position than you are to assess her  
17 credibility? Yes?

18 A. I'm not sure, sir.

19 Q. I mean, you're speaking to her on a telephone; right? Not  
20 a video.

21 A. Yes, sir.

22 Q. Okay. All right. Did -- he testified that you reached  
23 out to him. You called him. Did he call you?

24 A. My report shows that I called him. So based on my report,  
25 I did call him. I'm not real sure how I got the notice to call

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 the Nacogdoches Police Department or what led to my desire to  
2 do that. I believe that I may have had a message, but I may be  
3 a tad wrong on exactly what caused me to reach out to Corporal  
4 Lee.

5 Q. Okay. In your -- in your report, I mean, you're  
6 confirming you -- and this was a little bit of a concern about  
7 including too much about what Corporal Lee said. Because he's  
8 investigating a revenge porn allegation, and you're looking  
9 into a child porn case; right?

10 A. Yes, sir.

11 Q. Okay. And at the top of your report of criminal  
12 investigation, you say on March 29 you're contacted by K.S. to  
13 file a child porn complaint against Steven Seeger.

14 A. Yes, sir, that's what it says.

15 Q. All right. Now, your information, as I review -- this  
16 conver- -- you have a telephone conversation back on the 29<sup>th</sup>  
17 of March.

18 A. Yes, sir.

19 Q. With K.S.

20 A. Yes, sir.

21 Q. And you record that. Yes?

22 A. Yes, sir.

23 Q. She tells you in March of 2021 that, when she was 14, she  
24 is providing to Mr. Seeger these purportedly or potentially  
25 pornographic images of herself. Yes?

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 A. Yes.

2 Q. All right. But that the -- the images that she had called  
3 to complain about with Corporal Lee were all images of her  
4 after she was 18.

5 A. Yes, sir.

6 Q. And she says twice, in direct response to your inquiry "Do  
7 you know if he stored any of these pictures or he still has any  
8 of these pornographic pictures?" and she says, "No. No idea."

9 Correct?

10 A. Yes, sir.

11 Q. So she's telling you she's got no idea whether she's  
12 got -- or whether or not Steven Seeger has any pornographic  
13 images of her as somebody under 18 years of age; correct?

14 A. Yes, sir.

15 Q. Okay. You had any conversations with Judge Shaffer about  
16 this matter?

17 A. I have not, sir.

18 Q. No conversations with Corporal Lee.

19 A. Not since the one that was talked about in the --

20 Q. That's what I'm talking about. Yes, sir.

21 A. Yes.

22 Q. You said that when you executed this first search warrant  
23 that you searched upstairs and one room downstairs and you had  
24 left some items behind.

25 A. Items were left behind.

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 Q. What items were left behind, trooper?

2 A. Mr. Seeger had advised that he had a work laptop when we  
3 were in the room, and you can also see it on by body camera  
4 footage. It looked like it had a lot of technical information  
5 up on the screen and such. I didn't -- after learning what  
6 Mr. Seeger did, I didn't feel as though the laptop was needed  
7 to be taken and looked at by our lab.

8 Q. Okay. Meaning he -- his work with NASA.

9 A. Yes, sir.

10 Q. So you just left that one behind for that reason.

11 A. Yes, sir. I didn't think the government would appreciate  
12 us taking their stuff.

13 Q. Okay. Let me -- when you make the decision that you need  
14 a second warrant to take a look at the devices that you seize  
15 as a result of the search that followed the first --

16 A. Yes, sir.

17 Q. -- complaint and affidavit --

18 A. Yes, sir.

19 Q. -- did you make that decision yourself?

20 A. It's the typical practice when we obtain things that have  
21 digital information. You get one search warrant to get the  
22 physical item itself and then a second search warrant to get  
23 the digital contents.

24 Q. Okay. All right. The -- and the preprinted forms are  
25 used --

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 A. Yes, sir.

2 Q. -- for the second one.

3 A. Yes, sir.

4 Q. Was there a reason that there was a distinction there?

5 A. I cannot -- I don't know why I decided to do magistrate on  
6 that one. I think that's just what I went with. So...

7 Q. Okay. All right. The i- -- the devices have to be looked  
8 at at this forensic laboratory in Morgantown; right?

9 A. Yes, sir.

10 Q. You know, when you make the decision "I need a warrant,"  
11 you're getting a warrant for the purpose of actually looking at  
12 the information on the devices.

13 A. Yes, sir.

14 Q. And the only place in the world -- well, in your  
15 neighborhood that can be done is in Morgantown; right?

16 A. Yes, sir.

17 Q. Why do you -- why do you seek a warrant in Preston County  
18 which, you say yourself, in your own report, is executed in  
19 Monongalia County?

20 A. The items cannot be removed from the Kingwood detachment  
21 evidence room without a search warrant from there to get them  
22 out to get them downloaded.

23 Q. Well, who told you that?

24 A. That was just the practice of the detachment, sir.

25 Q. Okay. But, I mean, the purpose of a warrant is not to

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 remove items from one location to another; correct?

2 A. It was more of the -- when I say that, it's the detachment  
3 commander. Unless you can show him that you have a reason to  
4 remove them from the evidence room, he was not going to, like,  
5 sign them out and give them to you. So not necessarily just to  
6 physically remove them from the buil- -- like, from that -- the  
7 room that they're locked in, but to be able to -- like, you  
8 have to have a reason. So the reason was we got a search  
9 warrant to download the items.

10 Q. Okay.

11 A. And then they were taken and it was served.

12 Q. Okay. But you explain the purpose of this search warrant  
13 in this affidavit; right?

14 A. Yes, sir.

15 Q. And you meet with a magistrate.

16 A. Yes, sir.

17 Q. You have a discussion with him.

18 A. Yes, sir.

19 Q. Explain that the exclusive purpose of this document, this  
20 search warrant, is to examine these devices, which will be done  
21 in Morgantown.

22 A. Yes, sir.

23 Q. Okay. All right. But that's just the way you had always  
24 done it.

25 A. Yes, sir.

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 Q. The detachment.

2       Okay. You had made a comment previously about money being  
3 exchanged between K.S. and the defendant, Steve Seeger. What  
4 did you mean by that? Which direction was that money going?

5 A. What do you mean by money, sir?

6 Q. Well, you said when you spoke with her that there was --  
7 there was discussion about money being provided.

8 A. K.S. had said that Mr. Seeger had paid for, I think, some  
9 type of college prep course and some -- kind of some other  
10 stuff and just in terms of giving her things as part of their  
11 relationship when she was an adult.

12 Q. So your understanding of that was Mr. Seeger was providing  
13 money to K.S.

14 A. In some way, shape, or form, yes, sir.

15 Q. Let me see if we're about ready to wrap up, trooper.

16       Let me ask you this. I mean, have you ever since used the  
17 template, the --

18 A. There was --

19       Sorry. There was one other occasion, sir.

20 Q. Okay. Did -- was there a -- was there an actual search  
21 warrant that accompanied that complaint and affidavit?

22 A. I used the exact same template, and it was in the exact  
23 same courtroom -- or judge's chambers, sir. It was an issue of  
24 an inmate in Hazelton needing DNA taken from -- an agency, I  
25 believe in Colorado, had come over needing DNA from an inmate

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 at Hazelton.

2 Q. Okay. You don't recall the name of that one, do you?

3 A. The inmate?

4 Q. Yeah.

5 A. I do not, sir. I had no reason to investigate him. It  
6 was just kind of an agency assisting another agency thing.

7 (Pause in proceedings.)

8 BY MR. DYER:

9 Q. The -- you --

10 MR. DYER: Your Honor, can I approach the --

11 THE COURT: You may.

12 MR. DYER: -- witness?

13 MS. CROCKETT: Can I see what you're --

14 MR. DYER: I'm sorry.

15 MS. CROCKETT: All right.

16 BY MR. DYER:

17 Q. Trooper, that's the affidavit and complaint that we've  
18 been discussing. Did you read that, review it after you typed  
19 it up or before or during your typing that up?

20 A. It's my typical practice, after I type something, to  
21 proofread it to make sure I don't have any grammatical [sic]  
22 errors.

23 Q. Is that document prepared by you from scratch?

24 A. This was -- again, it was a template that was given to me  
25 by Sergeant Wyatt in a Word document.

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 Q. Okay.

2 A. I went in and changed the relevant information to the  
3 information of this investigation rather than what he had in  
4 it.

5 Q. Okay.

6 A. I'm unaware of what that was at this time.

7 Q. I mean, that document -- there's nowhere in that document  
8 where the Court is directing or ordering or authorizing you to  
9 go to Mr. Seeger's residence and conduct a search; correct?

10 A. This is just the affidavit and complaint, sir.

11 Q. Okay. All right. The --

12 One last question. The forms that you use.

13 MR. DYER: Your Honor, if I might approach again.

14 THE COURT: You may.

15 MR. DYER: These are the preprinted forms.

16 BY MR. DYER:

17 Q. Trooper, those are the --

18 I'm going to ask you. Are those the preprinted forms that  
19 you use when you approach a magistrate in your efforts to  
20 secure a search warrant?

21 A. I believe this might be an older revision, but yes, sir.

22 Q. Okay. Well, those forms, at the bottom, say they were  
23 last revised July of 2016.

24 A. Yes, sir. I thought you were talking about currently,  
25 sir. I apologize.

*T. Nicholson - Cross-Examination (Mr. Dyer)*

1 Q. Are there more recent revisions to your knowledge?  
2 A. I believe there were, but I may be wrong, sir. I don't  
3 check the revision date. I just know sometimes, every couple  
4 years, they redo them.

5 Q. Okay. But at the least, this version of the form, which  
6 has a directive to go search, that was available to you.

7 A. Yes, sir.

8 Q. Okay.

9 MR. DYER: Anything?

10 (Pause in proceedings.)

11 BY MR. DYER:

12 Q. The form property receipt bears the same date of  
13 preparation by the document preparer. It's last revised in  
14 July of 2016. Yes?

15 A. Yes, sir.

16 Q. Okay. All right. Trooper, I think that may be all for  
17 now.

18 THE COURT: Any redirect, Ms. Crockett? And you all  
19 are --

20 MS. CROCKETT: One more.

21 THE COURT: And you all are running out of daylight.

22 MS. CROCKETT: One question.

23 MR. DYER: I appreciate your candor.

24 THE COURT: Famous last words, but go ahead.

25 MS. CROCKETT: I promise, Your Honor.

T. Nicholson - Redirect Examination (Ms. Crockett)

1

REDIRECT EXAMINATION

2 BY MS. CROCKETT:

3 Q. Trooper Nicholson, Mr. Dyer asked you whether or not  
4 Corporal Lee was in a better position to gauge, I guess, the  
5 veracity or truthfulness of K.S.

6 Did you have any question -- or any reason to question her  
7 truthfulness with you when she made her report on March 29<sup>th</sup>  
8 of 2021?

9 A. I did not, ma'am.

10 MS. CROCKETT: Okay. That's all I have.

11 THE COURT: Recross?

12 MR. DYER: We have nothing further, Your Honor.

13 Thank you.

14 THE COURT: Thank you, sir. You can go ahead and  
15 step down. Thank you very much.

16 You can just leave that there, sir, and we'll take care of  
17 that. Thank you so much.

18 Do you need to recall Mr. Lee, or do we need to get Judge  
19 Shaffer on the phone?

20 MS. CROCKETT: Judge Shaffer, Your Honor. Yeah.

21 THE COURT: Okay.

22 MS. CROCKETT: You -- I think you can stay in.

23 THE COURT: Are you still calling the circuit clerk?  
24 I'm sorry. What?

25 MS. CROCKETT: He was asking if he had to leave. And

*T. Nicholson - Redirect Examination (Ms. Crockett)*

1 I'm not recalling him, so...

2 THE COURT: Do you --

3 MR. SHEEHAN: No. He can stay.

4 THE COURT: You can have a seat, trooper. Yeah.

5 Thank you.

6 Mr. Sheehan, Mr. Dyer, are you-all calling the circuit  
7 clerk today as well?

8 MR. SHEEHAN: We may.

9 THE COURT: Okay.

10 MR. SHEEHAN: It --

11 THE COURT: You guys have --

12 MR. SHEEHAN: We might get it out of Judge Shaffer.

13 MS. CROCKETT: Your Honor, can I ask the Court what  
14 its posture will be when we hit the golden hour at five? Like,  
15 I --

16 THE COURT: You've got until 5:05.

17 MS. CROCKETT: And then, Your Honor, what --

18 THE COURT: Uh-huh.

19 MS. CROCKETT: How will the Court hear the rest of  
20 the evidence? Are we --

21 THE COURT: That's a wonderful question. We'll have  
22 to figure that out.

23 MS. CROCKETT: Okay. All right. So we'll get  
24 another date, then, from the Court, I'm assuming. Maybe.

25 THE COURT: We'll try to find one.

T. Nicholson - Redirect Examination (Ms. Crockett)

1 MS. CROCKETT: May I approach the clerk, Your Honor,  
2 just to confirm the number?

3 THE COURT: You may.

4 (Pause in proceedings.)

5 JUDGE SHAFFER: Hello. Hello.

6 THE COURT: Good afternoon. Judge Shaffer?

7 JUDGE SHAFFER: Yes, sir.

8 THE COURT: Hi. Good afternoon. This is Tom Kleeh  
9 down in Clarksburg. Thank you so much for --

10 JUDGE SHAFFER: Okay. Just a minute, Judge Kleeh.  
11 Just a second.

12 (Pause in proceedings.)

13 MS. CROCKETT: I think he's on the bench, Your Honor.

14 JUDGE SHAFFER: Okay. I'm sorry, sir.

15 THE COURT: Oh, that's all right. Thank you so much,  
16 Judge, for joining us. I won't belabor the point. The next  
17 voice you'll hear is Madam Clerk, who -- I'm going to ask her  
18 to swear you in. Then Ms. Crockett has some questions for you.

19 JUDGE SHAFFER: Okay. And Your Honor, my right hand  
20 is in the air, sir.

21 THE COURT: I'm sorry, Judge. What was that?

22 JUDGE SHAFFER: I said my right hand is in the air.

23 THE COURT: Understood. Thank you.

24 THE CLERK: Thank you, Judge.

25 (JUDGE STEVEN L. SHAFFER, GOVERNMENT'S WITNESS, SWORN)

*Judge Steven L. Shaffer - Direct Examination (Ms. Crockett)*

1 THE CLERK: Thank you.

2 THE COURT: Go ahead, Ms. Crockett.

3 DIRECT EXAMINATION

4 BY MS. CROCKETT:

5 Q. If you would just state your name for the record.

6 A. My name is Steven Lee Shaffer.

7 Q. And how are you employed?

8 A. I am employed through the West Virginia Supreme Court as a  
9 Circuit Judge of the 22nd Judicial Circuit, which encompasses  
10 Preston and Tucker counties.

11 Q. And before that were you a circuit court judge in another  
12 judicial circuit?

13 A. Yes. Prior to -- prior to January 1st of 2025 I was the  
14 circuit judge in the 18th Judicial Circuit, which only  
15 encompassed Preston County, West Virginia.

16 Q. Okay. On a previous date, Judge Shaffer, did the Preston  
17 County Prosecuting Attorney's Office file with -- file with you  
18 a pleading seeking access to a file involving a Steven David  
19 Seeger?

20 A. Yes. There had been a case involving Mr. Seeger, and that  
21 case got dismissed. And there was a motion for expungement of  
22 those records. Yes.

23 Q. Okay. And that case number would have been 22-F-50?

24 A. To the best of my knowledge, yes.

25 Q. Okay. Let me ask you this. Judge Shaffer, did you

*Judge Steven L. Shaffer - Direct Examination (Ms. Crockett)*

1 prepare an affidavit entitled "Affidavit of Steven L. Shaffer"  
2 and provide it to Megan Fields, Chief Assistant Prosecuting  
3 Attorney for Preston County?

4 A. Yes, ma'am. Ms. Fields contacted me and asked if I would  
5 prepare an affidavit to provide to I guess the Court or to  
6 whomever she was going to give it to regarding my involvement  
7 with this matter.

8 Q. And did you execute that affidavit on April 2<sup>nd</sup> of 2025  
9 before Christy Hartsell?

10 A. I believe that was the date. I believe it was  
11 April 2<sup>nd</sup>, yes.

12 Q. Okay. If that's the date reflected on the affidavit,  
13 would that be accurate?

14 A. Yes. If that's the date on the affidavit, that would be  
15 correct.

16 Q. Okay. And in essence, the reason for the affidavit was so  
17 that you could explain to the Court what your process was for  
18 issuing a search warrant; is that right?

19 A. Yes. Yes.

20 Q. If you could, just for the record, just tell us what your  
21 process is, Judge.

22 A. Okay. Well, basically, usually officers, if I'm here at  
23 the courthouse, they will contact my assistant. And they'll  
24 say they have search warrants and their search warrant, and  
25 they'll want to know if they could come to the office. And,

*Judge Steven L. Shaffer - Direct Examination (Ms. Crockett)*

1 you know, if they do that, I follow the same procedure here at  
2 the office as I do at my house, if they happen to come to my  
3 house and have a search warrant also. That would be after  
4 hours, on weekends, or whatever.

5 Basically, when they bring the information in to me, there  
6 is usually two documents. Basically I will read through both  
7 documents to familiarize myself with them. There is a search  
8 warrant. There is an affidavit and complaint for the search  
9 warrant. And after I read through it, I will then place the  
10 officer under oath, and I will make him swear to the fact that  
11 the allegations in the petition are true and accurate; and if  
12 they're based upon information provided by a third party, that  
13 they believe that to be a credible source.

14 Q. Okay. And specifically we were asking you about whether  
15 or not there was a search warrant that you would have issued in  
16 the case involving Mr. Seeger; is that right?

17 A. You know, to the best of my knowledge, usually there is  
18 a -- like I said, there is a search warrant and an affidavit  
19 and complaint for the search warrant. And I will read both  
20 those documents. A lot of times the same information is on  
21 both documents.

22 Q. Okay. And --

23 A. Now, I can't -- I can't sit here and tell you that the  
24 title of one of them was a Search Warrant and the title of the  
25 other one was Affidavit and Complaint for Search Warrant.

*Judge Steven L. Shaffer - Direct Examination (Ms. Crockett)*

1 I mean, you know, I can't -- I don't even remember Trooper  
2 Nicholson. So I can't sit here and tell you that that's what  
3 it was.

4 Q. Okay. I guess what I'm specifically asking is: Based on  
5 the request of the Preston County Prosecutor's Office, you did  
6 look in Mr. Seeger's file, and you were able to determine that  
7 there wasn't a document inside that file that was titled  
8 "Search Warrant." Is that fair?

9 A. That is a hundred -- that is a hundred percent clear.  
10 When Ms. Fields filed her motion regarding that, basically she  
11 had actually used a -- the code section 61-11-26. And as my  
12 law clerk -- I put him on the trail of looking to see about an  
13 expungement record. And basically we found the code section  
14 West Virginia Code 61-11-26(m) and 61-11-25(f).

15 And as I looked at those two code sections and -- I knew  
16 that Mr. Seeger's would fall under 61-11-25(f). And so that's  
17 the code section I used, which was just a little bit different  
18 than 61-11-26(m).

19 Q. Okay. And so you're saying you looked at your authority  
20 to open an expunged record. And using that authority, you can  
21 confirm that there wasn't a document inside that file titled  
22 "Search Warrant."

23 A. Yeah. Yeah. There was not a document in there that said  
24 "Search Warrant." There was an affidavit. I believe -- I  
25 can't remember if it was entitled "Affidavit and Complaint" or

*Judge Steven L. Shaffer - Direct Examination (Ms. Crockett)*

1 "Affidavit for Search Warrant" or what it was called. But  
2 there was not a search warrant in that -- in that sealed file.

3 Q. Okay. In your review of the affidavit for -- affidavit  
4 and complaint for search warrant, you did notice, though, that  
5 your signature was affixed to the affidavit; is that right?

6 A. Yes, I did. That's the only way I knew that I had signed  
7 that.

8 Q. Okay. And then the fact that your signature appears on  
9 that document, does that confirm for you that you found  
10 probable cause based on your review of the affidavit?

11 A. Yes. Because like I said, I read all these that come in.  
12 And, you know, matter of fact, the officers I think sometimes  
13 get disgusted because I take my time and read through  
14 everything.

15 Q. Okay. And then if I understood your practice, you said  
16 your practice is to review both, swear the officer if you find  
17 probable cause, and then have them report to the circuit  
18 clerk's office to retrieve whatever copies they take with them.

19 Is that right?

20 A. Yes. Once I sign them, the documents are handed back to  
21 the officer, and I tell them they have to go to the clerk's  
22 office and she will make their copies.

23 And then until this came about, I did not even know what  
24 her process was. You know, I just know that, you know, I make  
25 sure that there is probable cause in it. And once I give it to

Judge Steven L. Shaffer - Direct Examination (Ms. Crockett)

1 the officers, that's usually the last I hear of it unless it  
2 comes back before me.

3 Q. Okay. And you included in your affidavit that, then --  
4 consistent with your statement, I think, just now -- for  
5 reasons unknown to you, a search warrant is not in that file.

6 A. Yeah. I mean, I don't have -- once the officer -- once I  
7 hand things back to the officer, that's my last involvement  
8 with it.

9 Q. Okay.

10 MS. CROCKETT: Your Honor, that's all I have. I  
11 would move the admission of the affidavit if the Court thinks  
12 it's necessary. I don't think it's necessary. He's testified  
13 consistent with it.

14 THE COURT: Right.

15 MS. CROCKETT: But I know the Court has it attached  
16 to the pleadings. And so, for that purpose, I guess I'd move  
17 its admission.

18 THE COURT: Understood. It's already in the record  
19 attached to the papers.

20 Cross?

21 MR. SHEEHAN: A little.

22 Judge, I'm going to do it from here because of the  
23 microphone.

24 THE COURT: Yes. Please. Thank you, Mr. Sheehan.

25

*Judge Steven L. Shaffer - Cross-Examination (Mr. Sheehan)*

1

CROSS-EXAMINATION

2 BY MR. SHEEHAN:

3 Q. Judge Shaffer, my name Martin Sheehan. I represent  
4 Mr. Seeger in the federal proceedings.

5 Sir, do you have a copy of the affidavit for search  
6 warrant with you at this time?

7 A. I think it's over in my cabinet if you want me to grab it.

8 Q. If you would, sir.

9 A. Okay. Hang on there just one second.

10 Okay. I have it right here.

11 Q. Sir, typically in a search warrant itself, the search  
12 warrant document -- and certainly on the preprinted form that  
13 exists -- there is language that says -- and I'm really  
14 summarizing a lot -- it says go do a search.

15 Do you find any language in the affidavit for search  
16 warrant that you have in front of you that contains any  
17 language that directs the officer to conduct a search?

18 A. May I look at it, sir?

19 Q. Sure.

20 A. Okay. Thank you very much.

21 The only thing that I see in reference to that, sir, is  
22 the -- on page number 2 that says, "Based on the above  
23 information, Trooper Nicholson has cause to believe and does  
24 believe that evidence of this crime are possessed within the  
25 above-described residence and the affiant requests a search

*Judge Steven L. Shaffer - Cross-Examination (Mr. Sheehan)*

1 warrant be issued to said residence."

2 Q. Okay. There is no order language saying "Go do that." Is  
3 that correct, sir?

4 A. I don't see any language telling him to go do that.

5 Q. Okay. And that language would typically be part of a  
6 search warrant form; is that correct, sir?

7 A. Are you talking about in a regular search warrant?

8 Q. Yes, sir.

9 A. Well, most of them come about on preprinted forms.

10 Q. Yes, sir. And if I were to show you the preprinted form,  
11 I think I have some language I could read to you. But I'll --  
12 I don't have that in front of me.

13 A. I am familiar with it. And basically what they'll  
14 normally say is that the officer is commanded to go search  
15 these premises. And I'm paraphrasing. I can't give you the  
16 exact language. But I can tell you --

17 Q. Sir, I'm going to suggest some language to you.

18 "You are therefore commanded in the name of the State of  
19 West Virginia to search forthwith the premises above-described  
20 and all appurtenances appertaining thereto for the property  
21 above-specified to seize such property and to bring the same  
22 before me to be dealt with according to law."

23 Is that the kind of language that you -- that I -- that  
24 you would recognize as an order to conduct a search?

25 A. That is -- that is either the language or very similar

*Judge Steven L. Shaffer - Cross-Examination (Mr. Sheehan)*

1 language that would be in the search warrant.

2 Q. Okay. Sir, did you -- I think you said that you  
3 ultimately -- there was an expungement issued in the matters  
4 pertaining to Mr. Seeger. Is that correct?

5 A. Yes, sir.

6 Q. And do you -- have you reviewed the expungement order that  
7 was issued with -- relevant to Mr. Seeger?

8 A. I have probably not looked at that since the order was  
9 signed, sir.

10 Q. Okay. That would have been assigned a "P" number in the  
11 state court system? "P" is typically for miscellaneous  
12 matters; is that correct?

13 A. It would have -- if the case had been dismissed prior to  
14 the expungement request, then yes, it would have been in a P  
15 case.

16 Q. Okay. Are you familiar with whether or not there is an  
17 expungement order in a case numbered 23-P-36, titled  
18 "Expungement of Record of Steven David Seeger"?

19 A. I -- you said records were expunged. So there would have  
20 to be an order for that.

21 Q. Okay. And for the record to be expunged, typically what  
22 that order would say is that the record is expunged and sealed  
23 and is of no further effect; is that correct?

24 A. That's usually what it says, yes.

25 Q. Okay. And that doesn't mean the documents would be

*Judge Steven L. Shaffer - Cross-Examination (Mr. Sheehan)*

1 destroyed at the courthouse. That means the documents -- that  
2 law enforcement agencies are supposed to report that they've  
3 destroyed some records; but ultimately, the clerk would  
4 retain -- be the repository of the records as they originally  
5 existed. Is that correct, sir?

6 A. Yes. Ms. Leishman should have maintained the records,  
7 yes.

8 Q. Okay.

9 MR. SHEEHAN: Anything else?

10 (Pause in proceedings.)

11 BY MR. SHEEHAN:

12 Q. Oh. When you are issuing a search warrant, is it your  
13 understanding that it's your oblig- -- that it's the function  
14 of the court to determine if the police officer who's seeking  
15 the warrant has supplied you enough information to believe that  
16 someone who has supplied him information has been fully  
17 truthful and is credible?

18 A. Yes. Yes, sir. I believe I testified to that earlier;  
19 that, you know, when I swear the person, that it's based on  
20 actual knowledge or, if it's provided information from another  
21 person, that they found that source to be credible.

22 Q. And do you have any specific recollection of the issuance  
23 of the -- of the -- the event which led to the signing of the  
24 affidavit that was presented to you by Trooper Nicholson in  
25 this instance? Or are you just testifying from pattern and

*Judge Steven L. Shaffer - Redirect Examination (Ms. Crockett)*

1 practice of what you do as a judge?

2 A. Sir, I'm just -- I'm just testifying as to my procedure  
3 that I use. Like I said, if Trooper Nicholson walked in my  
4 office right now, I would not even be able to recognize him. I  
5 don't -- you know, and I really wouldn't. I mean, that's just  
6 that simple. That's -- you know, yeah. And, I mean -- I mean,  
7 what was that? In 20- -- 2021?

8 Q. Yes, sir. I don't expect you to remember. I'm confirming  
9 that you don't.

10 A. Yeah. No. I have no -- I have no recollection of that  
11 specific event at all, sir.

12 Q. Thank you.

13 MR. SHEEHAN: I have no further questions, Your  
14 Honor.

15 THE COURT: Any --

16 JUDGE SHAFFER: Okay.

17 THE COURT: One second, Judge Shaffer. Thank you.  
18 Any redirect?

19 MS. CROCKETT: Just one question, Your Honor. Always  
20 one.

21 REDIRECT EXAMINATION

22 BY MS. CROCKETT:

23 Q. Judge Shaffer, then, understanding that you're just  
24 testifying from your general knowledge, your -- your  
25 recognition of your signature upon the affidavit, would that

*Judge Steven L. Shaffer - Redirect Examination (Ms. Crockett)*

1 confirm for you that you found probable cause for the search to  
2 occur?

3 A. Oh, yes. If I would not have found probable cause, I  
4 would have rejected the search warrant.

5 Q. And so an officer who would have retrieved your signature  
6 on an affidavit would have been authorized, according to your  
7 procedure, to execute a search.

8 A. There should have been a search warrant with it. I don't  
9 know what has happened to it.

10 MS. CROCKETT: Okay. Thank you.

11 THE COURT: Recross?

12 MR. SHEEHAN: No recross, Your Honor.

13 THE COURT: Judge Shaffer, thank you so very much for  
14 letting us intrude in your day. I know you had a busy docket.  
15 We really appreciate your time and your help, sir.

16 JUDGE SHAFFER: Okay. Yeah. No, no. We're -- I'm  
17 going to head back in. We're still on -- we're still going  
18 strong here, probably for another -- at least another  
19 45 minutes or better.

20 THE COURT: All right, sir.

21 MR. SHEEHAN: Your Honor.

22 THE COURT: Yes.

23 MR. SHEEHAN: Before he gets off the phone. We will  
24 not call the clerk. And if he would like to advise her, that's  
25 fine with us.

1 JUDGE SHAFFER: All right.

2 THE COURT: Judge, if I can keep you on the federal  
3 payroll, if you wouldn't mind letting your circuit clerk know  
4 that she's not going to be called as a witness now.

5 JUDGE SHAFFER: Okay. Yes. I can let her know  
6 Ms. Leishman is not going to be called.

7 THE COURT: That is correct, sir.

8 JUDGE SHAFFER: Okay. I will have my office go  
9 straight down and tell her.

10 THE COURT: All right. Thank you so very much,  
11 Judge. Have a wonderful day.

12 JUDGE SHAFFER: All right. Thank you guys very much.

13 THE COURT: Thank you.

14 JUDGE SHAFFER: Bye-bye.

15 THE COURT: All right. Can you all be here at 10:00  
16 tomorrow morning?

17 MR. SHEEHAN: Yes, sir.

18 MS. CROCKETT: Yes.

19 MR. DYER: Yes, sir.

20 THE COURT: All right. Can your witnesses be here at  
21 10:00 tomorrow morning?

22 MS. CROCKETT: Yes. Uh-huh.

23 THE COURT: What about Mr. Lee? He's all the way  
24 here from the great state of Texas.

25 MS. CROCKETT: Oh. Mr. Lee flies out --

1                   MR. SALEM: Do you -- you don't have any other use  
2 for him?

3                   MS. CROCKETT: Just the call.

4                   MR. SALEM: Your Honor, I think we'll be able to  
5 continue the other motions without him. So...

6                   THE COURT: Okay. All right.

7                   MS. CROCKETT: Thank you.

8                   THE COURT: We're going to stand in recess until  
9 10:00 AM tomorrow morning. We'll pick up from there, and the  
10 Government can call its next witness. And then the defense can  
11 call whomever.

12                  MS. CROCKETT: Your Honor.

13                  THE COURT: Uh-huh.

14                  MS. CROCKETT: A matter unrelated to this. I was  
15 charged with bringing the Court binders for another matter it  
16 has, and went to the office and did not see the binders. But  
17 my understanding is that they were there for me. So I will  
18 bring them to the Court tomorrow. But the fact that they will  
19 be delayed a day is attributed to me.

20                  THE COURT: I can't imagine I was going to read those  
21 this evening, Ms. Crockett.

22                  MS. CROCKETT: Okay.

23                  THE COURT: If I was, that's news to me.

24                  MS. CROCKETT: Okay. All right.

25                  THE COURT: I'm going to a middle school softball

1 game instead.

2 MS. CROCKETT: Oh, nice. Okay.

3 THE COURT: So I'm not going to be reading those  
4 there.

5 We'll see you all tomorrow morning at 10:00 AM. We'll  
6 pick up from there. Thank you all very much.

7 (Proceedings adjourned at 5:05 PM.)

8

9

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1 CERTIFICATE

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3 I, Rachel Kocher, a Registered Merit Reporter and Official

4 Reporter of the United States District Court for the Northern

5 District of West Virginia, do hereby certify that the foregoing

6 is a true and correct transcript of the proceedings had in the

7 above-styled action as reported by me stenographically, all to

8 the best of my skill and ability.

9 I certify that the transcript fees and format comply with

10 those prescribed by the Court and the Judicial Conference of

11 the United States.

12 Given under my hand this 6th day of June 2025.

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14 *Rachel Kocher*

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16 Rachel Kocher, RMR, CRR

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